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Attorneys for Defendants
HFN, INC. and KUMAR SHIRALAGI

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

ALLAN MILLER,

Plaintiff,

vs.

HFN, INC., a Delaware Corporation, d/b/a as
NANOHEAL BY HFN INC.; KALAARI
CAPITAL ADVISORS PRIVATE LIMITED, an
Indian Company; SRIDHAR SANTHANAM;
KUMAR SHIRALAGI; PAVAN VAISH; and
VANI KOLA,

Defendants.

**SUPPLEMENTAL OMNIBUS
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF DEFENDANTS HFN,
INC.'S AND KUMAR SHIRALAGI'S
REPLIES IN SUPPORT OF THEIR
MOTIONS TO DISMISS THE FIRST
AMENDED COMPLAINT**

Case No. 2:23-cv-00733-CMR

Magistrate Judge Cecilia M. Romero

SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE

Defendants HFN, Inc. (“**HFN**”) and Kumar Shiralagi (“**Shiralagi**”) (together, “**Defendants**”) respectfully request that the Court take judicial notice of the below-listed document in connection with their concurrently filed Replies in support of their Motions to Dismiss:

Exhibit 12: A true and correct copy of the Certificate of Good Standing for HFN, Inc. issued and executed by the Delaware Secretary of State and dated February 21, 2024.

The Court “may judicially notice a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2). “If a party requests that a court take judicial notice of a fact and supplies the court with the necessary information to do so, the court must take judicial notice of the fact.” *Cricut, Inc. v. Enough for Everyone, Inc.*, No. 2:21-CV-601-TS-DAO, 2022 WL 1664631, at *2 (D. Utah May 25, 2022); Fed. R. Evid. 201(c).

The Court can and should take judicial notice of the above-referenced Exhibit 12 because it is a public record of the State of Delaware that is a proper subject of judicial notice. *See SBM Site Servs., LLC v. Severin*, Civil Action No. 10-cv-762-WDM-MJW, 2010 U.S. Dist. LEXIS 112256, at *9 (D. Colo. Oct. 20, 2010) (taking judicial notice certificate of good standing executed by the Colorado Secretary of State). In addition, Exhibit 12 responds directly to arguments raised in Plaintiff’s Oppositions for the first time regarding HFN’s corporate status in Delaware, and the Court may therefore consider this document in ruling upon Defendants’ Motions. *See Hodgson v. Farmington City*, 675 Fed. App’x 838, 840-841 (10th Cir. 2017) (recognizing that “facts subject to judicial notice may be considered in a Rule 12(b)(6) motion without converting the motion to dismiss into a motion for summary judgment” (cleaned up)); *Hodges v. Hertz Corp.*, 351 F. Supp. 3d 1227, 1249 (N.D. Cal. 2018) (“To the extent that Plaintiffs’ objections can be construed as a request to strike evidence presented in a reply brief, the court has the discretion to consider new

evidence presented on reply, particularly if the new evidence appears to be a reasonable response to the opposition.”).

For the foregoing reasons, the Court should grant this Request.

Dated: February 23, 2024

TROUTMAN PEPPER HAMILTON SANDERS LLP

By: /s/ Nathan R. Marigoni

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